that the beneficiary, having no interest in the fund previous to the depositor's death, *Cunningham v. Davenport,* 147 N. Y. 43, would have no interest or title to pass to his personal representatives if he died during the life-time of the depositor. *Peoples Savings Bank v. Wells,* 21 R. I. 218.

TRUSTS—RESULTING TRUST.—ATLANTIC CITY R. Co. v. JOHANSON, 65 ATL. 719 (N. J. Ch.).—*Held,* that where defendant street railroad in ejectment purchased the land by parol from the predecessor in title of plaintiff, and paid the consideration and entered into possession, a subsequent purchase of the land from the record owner by plaintiff is with notice, and constitutes the subsequent purchaser a trustee for the benefit of the prior purchaser.

A resulting trust arises by implication of law and not from contract. *Potter v. Clapp,* 203 Ill. 592, and the Statute of Frauds is not applicable. *Lynch v. Herrig,* 32 Mont. 267. So an equitable estate exists in the purchaser of lands where the contract has been fully performed by the parties except as to the delivery of the deed. *Young v. Young,* 45 N. J. Eq. 27. Whatever is sufficient to put a reasonably careful man upon inquiry is notice, *Abell v. Brown,* 55 Md. 222; *e. g.,* possession of the land by one who is not the record owner. *Ferrin v. Errol,* 59 N. H. 234. Therefore, if one purchases from a trustee, with knowledge, actual or constructive, he himself becomes the trustee of the property. *Sadler's Appeal,* 87 Pa. 154. The vendor of an estate who has received the purchase money, but retains the legal title, being a mere trustee for his vendee, *Waddington v. Banks,* 1 Brock. 97, when a vendee is in the occupation of land which the vendor afterwards sells to another to whom he transfers the evidence of legal title, the subsequent purchaser is charged with notice, and will be considered as holding the legal title as a trustee for the first vendee. *Scroggins v. McDougall,* 8 Ala. 382.

VENUE—DISQUALIFICATION OF JUDGE—PERSONAL INTEREST.—BRITTAIN V. MONROE COUNTY, 63 ATL. REP. 1076 (PA.).—*Held,* that in an action against a county, the plea that the presiding judge is a property owner and taxpayer of the county, does not make him "personally interested" so as to require a change of venue.

The rule generally prevails to the effect that the "interest" of a judge, constituting a reason for changing the venue, must be pecuniary, *Hungerford v. Cushing,* 2 Wis. 397; *State v. Winget,* 37 Ohio St. 153; and he is within that rule when he is related to either litigant, or interested in a litigated case, *De La Guerra v. Burton,* 23 Cal. 592; *In re White's Estate,* 37 Cal. 190. But this rule has been held almost universally among the states as not applying to a judge sitting in the trial of a cause against a county of which he is an inhabitant, *Justices of Burlington County v. Fennimore,* 1 N. J. Law. 190; and the same to a town, city or state, *Kilbourn v. State,* 9 Conn. 560; *Commonwealth v. Emery,* 65 Mass. 406. Such an objection is not valid because the "interest" is too shadowy, indirect, remote and contingent to be within the rule "that a man cannot be a judge in his own case." *Myer v. San Diego,* 41 L. R. A. 762; *State v. MacDonald,* 26 Minn. 445. But a judge owning taxable property in a city against which proceedings are brought to annul the corporation and remove its officers, is disqualified to try the cause, *State v. City of Cisco,* (*Civ. App.*) 33 S. W. 244 (Tex.). However, there appears to be but one case to mar the universality of the "interest rule" in its application to a judge's disqualification by reason

of the fact that he is a taxpayer in the county against which a suit is brought. *Jefferson County Supervisors v. Milwaukee County Supervisors,* 20 Wis. 139.

WITNESSES—IMPEACHMENT—CONTRADICTORY STATEMENTS.—CINCINNATI TRACTION CO. v. STEPHENS, 79 N. E. 235 (O.).—*Held,* that where, upon the trial of a case, a witness is shown to have made statements of fact contradictory to those made by him on the trial, it is error to permit an attempt to rehabilitate the impeached witness by proving that he had made prior statements similar to those made on the trial.

The general tendency, if there are exceptions to the general rule stated above, is that those exceptions occur in the courts of some of the Southern states and of a few in the West. *People v. Doyell,* 48 Cal. 85; *State v. Fontenat,* 48 La. Ann. 283; *Johnson v. Patterson,* 9 N. C. 183. But the courts of the East, North and Central states uphold the general majority rule, *Conrad v. Griffey,* 52 U. S. 480; *Commonwealth v. Jenkins,* 76 Mass. 485; *Smith v. Stickney,* 17 Barb. (N. Y.) 489; *State v. Vincent,* 24 Ia. 570. This majority rule is further supported—for the making of the inconsistent statement being admitted by the witness, proof of prior statements consistent with the statement of the witness on the trial, for the purpose of corroborating and sustaining the credit of the witness, is irrelevant because it would not prove the truthfulness of the witness, nor the reliability of his recollection, nor that there was no inconsistency between the two statements, 1 *Greenl. Ev.* (16th Ed.) 469.